

1
2
3
4

Bruce T Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



5
6
Entered on Docket
July 05, 2016

7 CHRISTOPHER P. BURKE, ESQ.
Nevada Bar No.: 004093
8 attycburke@charter.net
702 Plumas Street
9 Reno, NV 89509
(775) 333-9277
10 Attorney for Debtor(s)

11
12 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

13 In re:) Case No.: BK-N-13-50461-BTB
14 CHRISTOPHER MICHAEL MARINO) Chapter 7
15 VALERIE MARGARET MARINO)
16)
17)
18 Debtors.) Hearing Date: 6-20-16
Hearing Time: 3:00 p.m.

19 **ORDER REGARDING MOTION TO REOPEN CHAPTER 7 UNDER 11 U.S.C.**
§350 AND F.R.B.P. 5010 AND HOLD CREDITOR, OCWEN LOAN
SERVICING LLC IN CONTEMPT AND FOR SANCTIONS FOR VIOLATION
OF THE DISCHARGE INJUNCTION 11 U.S.C. §524 (a)(2)

20
21 THIS MATTER having come before the Court on Debtors', CHRISTOPHER
22 MICHAEL MARINO and VALERIE MARGARET MARINO ("Debtors" or "Marinos")
23 Reopen Debtor's Chapter 7 under 11 U.S.C. §350 and F.R.B.P. 5010 and to Hold Creditor,
24 Ocwen Loan Servicing, LLC ("Ocwen") in Contempt and for Sanction for its violation of the
25 Discharge Injunction under 11 U.S.C. §524(a)(2) [Dkt. 27] filed by their counsel,
26 Christopher P. Burke, Esq., ("Burke"), and Ocwen appearing through its counsel, and the
27 Court having read the pleadings, with good cause appearing therefore;
28

1 IT IS THEREFORE THE ORDER OF THIS COURT, that Marinos' Motion for
2 Contempt for Violation of the Discharge Injunction under 11 U.S.C. §524(a) and Damages
3 Against Creditor, Ocwen, is hereby GRANTED as follows:

4 IT IS HEREBY ORDERED; Ocwen shall pay the \$260 reopening fee and \$500 in gas
5 as actual damages to the Marinos;

6 IT IS FURTHER ORDERED; Ocwen shall pay \$1,000 per letter, for the 19 letters
7 sent to the Marinos, for a total of \$19,000. In addition, Ocwen shall pay \$1,000 for each
8 of the 100 phone calls the Marinos received for a total of \$100,000, together totaling
9 \$119,000 for emotional distress damages to the Marinos;

10 IT IS FURTHER ORDERED; that Christopher Burke, Esq. shall file a fee application
11 for attorney fees and costs that Ocwen can object to if its chooses to, but Ocwen will have
12 to pay the amount of attorney fees the Court approves;

13 IT IS SO ORDERED.

14
15 Respectfully submitted:

16
17 /s/ CHRISTOPHER P. BURKE, ESQ.
CHRISTOPHER P. BURKE, ESQ
18 Attorney for Christopher Michael Marino
and Valerie Margaret Marino
19 702 Plumas St.
Reno, Nevada 89509
20 (775) 333-9277 Fax (775)329-1165

21 () approve () disapprove

22
23 no response

24 SEAN N. PAYNE, ESQ
25 Attorney for Ocwen Loan Servicing LLC
WRIGHT, FINLAY & ZAK LLP
26 7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
(702) 475-7964 Fax (702)946-1345

1
2
3 ALTERNATIVE METHOD Re: RULE 9021
4

5 In accordance with Local Rule 9021, counsel submitting this document certifies that the
6 order accurately reflects the court's ruling and that:

7 The court waived the requirements of approval under LR 9021 (b)(1).

8 No parties appeared or filed written objections, and there is no trustee
9 appointed in this case.

10 X I have delivered a copy of this proposed order to all counsel who appeared at
11 the hearing, any unrepresented parties who appeared at the hearing, and any
12 trustee appointed in this case, and each has approved or disapproved the
13 order, or failed to respond as indicated below:

14 On June 27, 2016, to Sean N. Payne, Esq., Attorney for Ocwen Loan Servicing
15 at email: *spayne@wrightlegal.net*

16 No opposition was filed to the motion and no counsel appeared at the
17 hearing.

18
19 # # #
20
21
22
23
24
25
26
27
28